Appendix 1
City of Portsmouth's Permit (VPDES Permit VA0088668)

EPA MAIL

COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

5636 Southern Boulevard
Virginia Beach, VA 23462
Tel# (757) 518-2000
http://www.deq.state.va.us
Fax (757) 518-2003

Dennis H. Treacy
Director

Francis L. Daniel
Tidewater Regional Director

March 8, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard A. Hartman, P.E.
Director of Public Works
City of Portsmouth
801 Crawford Street
Portsmouth, Virginia 23704-3822

RE: Reissuance of VPDES Permit No. VA0088668
Portsmouth Municipal Separate Storm Sewer System
Portsmouth, Virginia

Dear Mr. Hartman:

The enclosed storm water management program requirements and other special conditions for the above referenced permit have been approved. Additionally, enclosed is a copy of the fact sheet page that describes public participation in the permit reissuance process. Please replace the page in the fact sheet that you received with the draft permit with this page.

Your permit is also enclosed. In accordance with the permit, you are required to submit annual reports to the following address:

Department of Environmental Quality (DEQ)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

The first report is due October 10, 2001.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Alternatively, any owner under

62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in Section 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any additional questions, please do not hesitate to contact Debra L. Thompson at 757-518-2162.

Sincerely,

William M. Cash-Robertson
Regional Permit Manager

FLD/DLT/

cc: DEQ - OWPP, TRO File
EPA - Region III (3WP12)
VDH - HQ, RO

Enclosures: Permit No. VA0088668

27. DEQ PLANNING COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from DEQ planning.

28. The discharge is not addressed in any planning document but will be included when the plan is updated.

29. PUBLIC PARTICIPATION: Document comments/responses received during the public participation process. If comments/responses provided, especially if they result in changes to the permit, place in the attachment.

VDH/DSS COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the Virginia Dept. of Health and noted how resolved.

The VDH had no objections to the draft permit, as stated by letter dated 12/12/00.

EPA COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the U.S. Environmental Protection Agency and noted how resolved.

EPA has no objections to the adequacy of the draft permit. (01/16/01)

ADJACENT STATE COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from an adjacent state and noted how resolved.

Not Applicable.

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

The application and draft permit have received public notice in accordance with the VPDES Permit Regulation, and no comments were received.

PUBLIC NOTICE INFORMATION: Comment Period: Start Date 01/23/01
End Date 02/22/01

Persons may comment in writing or by e-mail to the DEQ on the proposed reissuance of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Debra L. Thompson at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2162 E-mail: dlthompson@deq.state.va.us

Following the comment period, the Board will make a determination regarding the proposed reissuance. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

30. ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION:

a. There are NO DMR's associated with this permit. The extensive monitoring/tracking information required by this permit shall be submitted in an Annual Report to DEQ in accordance with EPA Regulation 40 CFR 122.42 (c).

b. The cover page of this permit does not specify a receiving stream, only lists "waters of the State" as receiving waters.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
http://www.deq.state.va.us

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

Permit No. VA0088668
Effective Date: March 8, 2001
Expiration Date: March 8, 2006

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the City of Portsmouth is authorized to discharge from all portions of the municipal separate storm sewer system owned and operated by the permittee to surface waters of the State.

The authorized discharge shall be in accordance with this cover page, Part I - Storm Water Management Program Requirements, Part II - Conditions Applicable To All VPDES Permits, as set forth herein.

for William M Cash-Roberts
Director, Department of Environmental Quality

March 8, 2001
Date

PART I

A. STORM WATER MANAGEMENT PROGRAM

The permittee shall continue development, implementation, and, where appropriate, refinement of the Storm Water Management Program including pollution prevention measures, management or removal techniques, use of legal authority, and other appropriate means to control the quality and quantity of storm water discharged from the municipal separate storm sewer system. The Storm Water Management Program shall include controls necessary to effectively prohibit the unauthorized discharge of non-storm water into the municipal separate storm sewer system and reduce the discharge of pollutants from the municipal separate storm sewer system to the maximum extent practicable. The permittee shall implement, to the maximum extent practicable, the provisions of the Storm Water Management Program required under this Part as a condition of the permit. All applicable components of the Municipal Separate Storm Sewer System Phase I VPDES Permit Application submitted in accordance with 40 CFR 122.26, and all approved modifications are hereby incorporated by reference into the Storm Water Management Program. The Storm Water Management Program shall cover the term of the permit and the permittee shall update it as necessary, or as required by the Department of Environmental Quality, to ensure compliance with the statutory requirements of the Clean Water Act §402(p)(3)(B). Progress towards the goals and meeting specific program components shall be documented in the Annual Report required by this permit.

1. Contents of the Program

The Storm Water Management Program shall contain the following four elements:

a. A program to utilize structural and source control measures to reduce pollutants that are discharged through the municipal separate storm sewer system in storm water runoff from commercial and residential areas, including a schedule for implementing the controls.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall continue with the existing maintenance program for structural controls owned and operated by the permittee.

The permittee is responsible for obtaining any required State or federal permits necessary to complete maintenance activities, including permits for land disturbance, wetlands disturbance, dredging, etc.

(2) The permittee shall adhere to and, where applicable, enforce all those components of The Comprehensive Plan, the Storm Water Management Master Plan, and all storm water related ordinances pertaining to development and redevelopment in the City of Portsmouth.

(3) The permittee shall maintain the existing programs designed to reduce impacts on receiving waters from the operation and maintenance of public streets, roads and highways.

(4) The permittee shall maintain the existing programs to assure that flood management projects assess the impacts on the water quality of receiving water bodies.

(5) The permittee shall maintain its program to reduce the pollutants in discharges to the municipal separate storm sewer system associated with the application of pesticides, herbicides and fertilizers. The permittee shall maintain the public relations plan designed to educate the general public and targeted groups about storm water pollution prevention, which includes the application of herbicides, pesticides, and fertilizer.

b. A program and schedule to detect and remove, or to notify a discharger to apply for a separate VPDES permit for, unauthorized non-storm water discharges and/or improper disposal into the municipal separate storm sewer system.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall implement and enforce all provisions of the City's Storm Sewer System Discharge Ordinance which prohibits unauthorized non-storm water discharges to the storm sewer system.

(2) The permittee shall continue the implementation of the current field screening procedures for identifying unauthorized non-storm water discharges and improper disposal into the storm sewer system. Priority shall be placed on segments of the storm sewer system which receive drainage from industrial and commercial sources.

(3) Where necessary, the permittee shall conduct on-site investigation of potential sources of unauthorized non-storm water discharges. The permittee shall act as expeditiously as possible to

require a discharger to eliminate unauthorized non-storm water discharges except discharges identified in Part I.B.4 of this permit, or, if appropriate, to notify the discharger to apply to the Department of Environmental Quality for a Virginia Pollutant Discharge Elimination System (VPDES) permit for the discharge. If a VPDES permit is needed, but not obtained by the discharger, the permittee shall take actions to implement the applicable provisions of the City Code. The permittee shall require immediate cessation of improper disposal practices upon identification of responsible parties.

(4) To the maximum extent practicable, the permittee shall contain spills and prevent spills from reaching, and subsequently discharging from, the municipal separate storm sewer system. The permittee shall continue to respond to hazardous material spills under the latest "Hazardous Materials Emergency Response Plan" prepared by the City.

(5) The permittee shall continue implementation of the program to promote, publicize, and facilitate public reporting of the presence of unauthorized non-storm water discharges or water quality impacts associated with discharges from the municipal separate storm sewer system.

(6) The permittee shall continue implementation of the educational/public information activities relative to proper management and disposal of used oil and toxic materials, including household hazardous wastes.

(7) Where necessary, the permittee shall develop and implement controls to limit infiltration of seepage from the municipal sanitary sewer to the municipal separate storm sewer. The permittee shall continue implementation and enforcement of the applicable provisions of the City Code addressing the restriction of interconnection of the sanitary sewer and storm sewer system.

c. A program to monitor and control pollutants in storm water discharges from municipal landfills, hazardous waste treatment, storage and disposal facilities, industrial facilities subject to Section 313 of the Emergency Planning and Community Right to Know Act, and facilities determined by the permittee to be contributing substantial pollutant loadings.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall inspect any new or previously unidentified facilities (as described above), and may establish and implement control measures as necessary/appropriate for storm water discharges from these facilities.

(2) The permittee may monitor, or require the facility to monitor, storm water discharges associated with industrial activity to the municipal separate storm sewer system from facilities described in Part I.A.1.c above. This monitoring program shall be designed by the City of Portsmouth.

d. A program to continue implementation and maintenance of structural and nonstructural best management practices to reduce pollutants in storm water runoff from construction sites.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall continue to operate in accordance with, and continue enforcement of the requirements of the Subdivision Ordinance (Chapter 33), Zoning Ordinance (Chapter 40), Excavation, Erosion & Sediment Control Ordinance (Chapter 11), Stormwater Management Ordinance (Chapter 31.1) and the Chesapeake Bay Preservation Area Overlay District Ordinance (Chapter 9).

Within 30 days of approval of a site plan, the permittee shall notify the Department of Environmental Quality, Tidewater Regional Office of the owner and site location of all land disturbing activities of greater than 5 acres. This shall continue until the DEQ promulgates regulations which incorporate the federal regulations (40 CFR 122.26 Phase II Storm Water) for notification of land disturbing activities of between 1 and 5 acres. The Department of Environmental Quality will determine if the land disturbing activity has been covered under a VPDES General Permit and will notify the owner and the permittee if such a permit is required. In addition, the permittee's Erosion and Sedimentation (E&S) Program shall be fully approved by the Department of Conservation & Recreation (DCR). If the permittee does not have a fully approved program, all efforts to achieve approval shall be documented in the annual report.

(2) The permittee shall continue implementation of the education and training program for construction site operators.

2. Program Modifications

Modifications for the purpose of this part cover major program changes including additions and deletions of program components in the Storm Water Management Program. Routine changes associated with the day-to-day operations of the specific components of the Storm Water Management Program are not subject to the requirements of this Part, but shall be documented in the Annual Report required by this permit.

a. Program Modifications Requested by the Permittee

The permittee shall modify the Storm Water Management Program during the term of the permit in accordance with the following procedures:

(1) The approved Storm Water Management Program shall not be modified by the permittee without the prior approval of the Department of Environmental Quality, unless in accordance with items (2) and (3) below.

(2) Modifications adding (but not subtracting or replacing) components, controls or requirements to the approved Storm Water Management Program may be made by the permittee at any time upon written notification to the Department of Environmental Quality.

(3) Modifications replacing an ineffective or infeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Department of Environmental Quality, the modification shall be deemed approved and may be implemented by the permittee 60 days from submittal of the request. Such requests shall include the following:

(a) an analysis of why the BMP is ineffective or infeasible (including cost prohibitives);

(b) expectation on the effectiveness of the replacement BMP; and

(c) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

(4) Modification requests and/or notifications shall be made in writing and signed in accordance with Part II.K of this permit.

b. Program Modifications Requested by the Department of Environmental Quality

The Department of Environmental Quality may require modifications of the Storm Water Management Program as needed to:

(1) address adverse impacts on receiving water quality caused, or contributed to, by discharges from the municipal separate storm sewer system;

(2) include more stringent requirements necessary to comply with new State or federal statutory or regulatory requirements; or

(3) include such other conditions deemed necessary by the Department of Environmental Quality to comply with the goals and requirements of the Clean Water Act.

Modifications requested by the Department of Environmental Quality shall be made in writing and set forth the time schedule for the permittee to develop and implement the modification. The permittee may propose alternative program modifications and/or time schedules to meet the objective of the requested modification.

3. Annual Report

The first Annual Report shall be submitted to the Department of Environmental Quality, Tidewater Regional Office, by October 10, 2001, and shall cover the period from the effective date of the permit to the last day of the fiscal year, 2001. Subsequent Annual Reports shall be submitted within successive twelve month periods of the first report's due date and shall cover the period of the City's fiscal year. The report shall include the following information for the period covered:

a. The status of implementing the components of the Storm Water Management Program that are established under Parts I.A.1.a, b, c, and d of this permit. In addition to descriptions of each program element's status, the following specific information shall also be submitted:

(1) A summary of the maintenance activities performed on structural BMPs in accordance with Part I.A.1.a.(1) of this permit;

(2) The progress on plan reviews of future flood management projects implementing useful water quality measures.

(3) The progress on the City's participation in a local or Regional public information program to address the following:

a. Any new public education programs concerning the use and disposal of pesticides, herbicides and fertilizers by commercial applicators and by the general public;

b. Any new programs developed to promote, publicize, and facilitate public reporting of the presence of non-storm water discharges into the municipal separate storm sewer system and a summary of the public response to the program;

c. Any new program developed to educate the public on proper management and disposal of used oil and toxic material developed in accordance with Part I.A.1.b.(6) of this permit.

(4) The number and nature of unauthorized non-storm water discharges or improper disposal practices eliminated under the program by conducting on-site investigations of potential sources of non-storm water discharges developed under Part I.A.1.b.(3) of this permit;

(5) A listing of any facilities identified and inspected under Part I.A.1.c.(1) of this permit, a summary of any controls established for these facilities, and the implementation schedule for any controls established for these facilities; and,

(6) Results of any monitoring performed in accordance with Part I.A.1.c.(2) of this permit.

b. Proposed changes to the Storm Water Management Program including those changes that were implemented during the reporting year;

c. Revisions, if necessary, to the assessment of controls and to the fiscal analysis reported in the permit application, and an assessment of the effectiveness of new controls established by the Storm Water Management Program;

d. A summary of the progress toward achieving the goals of the Storm Water Management Program through use of effectiveness indicators. This summary shall address each individual effectiveness indicator.

e. Annual expenditures for the reporting year and the budget for the year following each Annual Report.

f. A summary describing the number and nature of enforcement actions, inspections and public education programs;

g. Identification of water quality improvements or degradation;

h. A summary of cooperative or multi-jurisdictional activities the permittee undertook to facilitate compliance with permit requirements; and,

i. Annual nutrient loadings as indicated in Part I.C.2.j. of this permit.

B. SPECIAL CONDITIONS

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

   The permittee shall comply at all times with the provisions of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10-et seq.).

   The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

2. The permittee shall submit the results of any tracking required by this permit with the annual report required by Part I.A.3. of this permit. The annual report shall be submitted to:

   Department of Environmental Quality
   Tidewater Regional Office
   5636 Southern Boulevard
   Virginia Beach, Virginia 23462

3. The permittee shall ensure that all pollutants discharged from the municipal separate storm sewer system shall be reduced to the maximum extent practicable through the continued development and implementation of a comprehensive Storm Water Management Program as specified in Part I.A of this permit.

4. The permittee shall effectively prohibit non-storm water discharges into the municipal separate storm sewer system. The permittee may allow discharges of non-storm water or storm water associated with industrial activity as defined at 40 CFR 122.26 through the municipal separate storm sewer system if such discharges are:

   a. authorized by a separate VPDES permit;

   b. not identified by the permittee or the Department of Environmental Quality to be significant sources of pollutants to State waters and may include the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street washwater, and discharges or flows from fire fighting; or

      As necessary, the permittee may incorporate appropriate control measures in the Storm Water Management Program required by Part I.A of this permit to ensure the discharges identified in a and b above are not significant sources of pollutants to State waters.

5. The permittee shall operate pursuant to the established legal authority described in the 40 CFR 122.26 (d)(2)(i), or shall obtain the legal authority necessary to control discharges to and from those portions of the municipal separate storm sewer system over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract or an order to carry out all parts of the Storm Water Management Program identified in Part I.A of this permit.

6. To the maximum extent practicable, subject to annual appropriations, the permittee shall provide adequate finances, staff, equipment, and support capabilities to implement all parts of the Storm Water Management Program required by Part I.A of this permit. Where programs operated by entities other than the permittee are included in the permittee's Storm Water Management Program, the permittee shall, to the maximum extent practicable, ensure that such programs remain operational for the term of the permit. However, the permittee shall not be responsible for operating or financing the program in the future if the current operators cease the activity.

7. During the term of the permit, the permittee shall continue to identify any municipal separate storm sewer system outfalls not previously identified.

C. Indicators of Storm Water Management Program Effectiveness

1. The permittee shall conduct a storm water tracking program as set forth in Part I.C of this permit for the municipal separate storm sewer system to: (1) provide information necessary to assess the effectiveness and adequacy of control measures implemented under the Storm Water Management Program; (2) estimate seasonal cumulative pollutant loadings from the municipal separate storm sewer system; (3) identify and prioritize portions of the municipal separate storm sewer system requiring additional controls; and (4) identify water quality improvements or degradation. The Department of Environmental Quality and the permittee may assess improvement in the quality of storm water from the municipal separate storm sewer system based on the information required by this Part, plus any additional information generated by the permittee.

2. The Permittee shall develop and implement the tracking program described in Part I.C.1. for a series of indicators that are designed as measures of Storm Water Management Program Effectiveness and that are tailored to the regional goals. The indicators shall be aligned within four indicator groups that represent traditional monitoring practices. Indicator tools within each group shall be used to measure different components of the stormwater program. The indicators to be tracked shall be categorized as follows:

Indicator Group	Indicator
Water Quality	Pollutant Loadings
Physical and Hydrological	Greenlands Program
Programmatic	Investigative Monitoring, BMP Implementation, Flooding and Drainage Control, Flooding and Drainage Projects, Erosion and Sediment Control, Permitting and Compliance, Operations and Maintenance
Socioeconomic	Public Information Programs

The ten (10) indicators within these broad categories shall be tracked on a regular basis and reported to DEQ in the Permit Annual Report submitted to the Department each year. The indicators are defined in the following paragraphs.

a. Greenlands

Greenlands are lands that are permanently protected from development or lands that are restored to a more natural state during redevelopment and provide a water quality benefit by reducing watershed imperviousness. Such lands may include parklands, refuges, wetlands, and lands protected by conservation easement. The number of acres of greenlands will be tracked to assess progress towards reducing the potential watershed imperviousness and nonpoint source pollution loads at build out.

b. Best Management Practice (BMP) Implementation

Storm water BMPs help to minimize flooding and water quality impacts associated with development. Experience has shown that over time, lack of maintenance has caused BMPs to lose their effectiveness. In addition, older developed areas lack BMPs or BMPs that have been installed lack water quality protection measures in their design. To measure the success of BMPs in flood and water quality protection, the number and types of BMPs installed or retrofitted for water quality, the number of developed acres served by BMPs by land use, and inspection and maintenance activities will be reported. This in turn will allow the estimation of pollutant removal by BMPs and assist in evaluating whether BMPs are properly functioning.

c. Erosion and Sediment Control

Every local government in the Commonwealth of Virginia is required to administer an Erosion and Sediment Control Program. The Erosion and Sediment Control Law requires that land disturbing activities exceeding 10,000 square feet submit an Erosion and Sediment Control Plan and meet minimum standards. Under the Chesapeake Bay Preservation Act, the threshold is decreased to 2,500 square feet in a Chesapeake Bay Preservation Area. The minimum standards specify practices that reduce the amount of sediment leaving a construction site and minimize downstream flooding and streambank erosion. The effectiveness of local erosion and sediment control programs is limited by the level of enforcement and compliance. To monitor the extent of land disturbing activities, the number of approved erosion and sediment control plans and disturbed acreage will be tracked. To evaluate enforcement and the level of compliance with the local erosion and sediment control regulations, the number of inspections and enforcement actions will be stored in the database.

d. Flooding and Drainage Responses

Calls and complaints received from citizens can be an indicator of the performance of a storm water program. Responsiveness of a storm water program, in the form of inspections and resulting maintenance activities can also be an indicator of effective administration of the storm water program. The number of citizen calls and responses will be tracked.

e. Flooding and Drainage Projects

An important function of a local storm water program is to correct flooding and water quality problems. These projects may be included in the local Capital Improvement Projects program. These projects may involve retrofitting areas, installing BMPs, or restoration activities. To help determine whether a storm water program is actively performing this important function, the number and cost of flooding and drainage projects will be tracked.

f. Investigative Monitoring

Non-storm water discharges, such as hazardous material spills, wastewater cross connections, and other illicit discharges into the storm water system can represent a significant source of pollution. Implementing an effective illicit discharge/connection management program to control these sources can result in considerable improvements to water quality. In order to assess whether an illicit discharge/connection program

is being effectively implemented, investigative and corrective actions will be tracked. These actions include screening inspections and measures taken to locate and eliminate illicit discharges/connections.

g. Operations and Maintenance

Operation and maintenance activities are crucial to a storm water conveyance system's ability to reduce flooding and minimize the amount of pollutants that are discharged into the region's waterways. Operation and maintenance activities include street sweeping and cleaning and repairing catch basins and drainage facilities. By monitoring these activities, the proper functioning of the storm water system can be assessed, and the amount of sediment that was prevented from being discharged by the storm water system can be estimated.

h. Permitting and Compliance

Development causes the amount of runoff and pollution in a watershed to increase. To monitor development levels and activity, the number of approved site and subdivision plans, and their associated developed or redeveloped acres will be tracked.

i. Environmental Knowledge

Informing individuals, households and businesses about storm water issues and measures they can all take to reduce pollution is important to gaining public support of a storm water program and protecting water quality. Public education and outreach activities that will be tracked to determine whether a storm water program is adequately carrying out this function include: numbers and type of different publications and number distributed for each, public outreach activities, media campaigns, riparian restoration activities by citizens, stream cleanup activities, and web site hits.

j. Water Quality Nutrient Loadings

Nutrient loadings will be tracked on an annual basis. Pollutant loading estimates will be developed using the Event Mean Concentrations(EMCs), data on percent impervious, and acreage of land use change (acreage). Loading reductions will be calculated based on an estimate of land use change, the acreage served by BMPs, including newly installed or retrofitted BMPs, and the effectiveness of those BMPs. The EMCs used in these calculations, will be those calculated in Permit Year 3 of the previous permit and modified to reflect the Permit Year 5 EMC calculations.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) and time(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality (DEQ)
5636 Southern Boulevard
Virginia Beach, Virginia 23462

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II.F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II.F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;

2. Breakdown of processing or accessory equipment;

3. Failure or taking out of service some or all of the treatment works; and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

   a. Any unanticipated bypass; and

   b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

   c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II.I.1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II.G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice) or (757) 518-2103 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

   a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

      (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

      (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II.K.1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the

company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II.K.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II.K.1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days

before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U), and "upset" (Part II.V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2 and U.3.

2. Notice

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.

3. Prohibition of Bypass

   a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) The permittee submitted notices as required under Part II.U.2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.V.2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. The permittee submitted notice of the upset as required in Part II.I; and

   d. The permittee complied with any remedial measures required under Part II.S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II.Y.1, this permit may be automatically transferred to a new permittee if:

   a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;

   b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

   c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

VPDES PERMIT PROGRAM FACT SHEET

FILE NO: 462

This document gives pertinent information concerning the VPDES Permit listed below. This permit is being processed as a **MAJOR MUNICIPAL** permit.

1. **PERMIT NO.:** VA0088668 **EXPIRATION DATE:** January 6,2001

2. **FACILITY NAME & MAILING ADDRESS**

City of Portsmouth Municipal
Separate Storm Sewer System
Department of Public Works
801 Crawford Street
Portsmouth, Virginia 23704-3822

FACILITY LOCATION ADDRESS (IF DIFFERENT)

SAME

CONTACT AT FACILITY:
NAME: Ms. Cynthia S. Linkenhoker
TITLE: Civil Engineer
Department of Public Works
City of Portsmouth
PHONE: (757) 393-8592

CONTACT AT LOCATION ADDRESS

SAME

3. **OWNER CONTACT:** (TO RECEIVE PERMIT)
NAME: Mr. Richard A. Hartman, P.E.
TITLE: Director of Public Works
COMPANY NAME: City of Portsmouth
ADDRESS: 801 Crawford Street
Portsmouth, VA 23704-3822
PHONE: (757) 393-8592

CONSULTANT CONTACT:

NONE

4. **PERMIT DRAFTED BY:** DEQ, Water Permits, Tidewater Regional Office

Permit Writer(s): Debra L. Thompson Date(s): 08 - 12/2000
Reviewed By: C. Thomas Date(s): 10 - 12/2000

5. **PERMIT CHARACTERIZATION:** (Check as many as appropriate)

( ) Issuance
(X) Reissuance
( ) Revoke & Reissue
( ) Owner Modification
( ) Board Modification
( ) Change of Ownership/Name
(Effective Date:_____)

(X) Municipal
SIC Code(s)9199,9999

( ) Industrial
SIC Code(s)

( ) POTW
( ) PVOTW
( ) Private
( ) Federal
( ) State
( ) Publicly-Owned Industrial

(X) Existing Discharge
( ) Proposed Discharge

( ) Effluent Limited
( ) Water Quality Limited
( ) WET Limit
( ) Interim Limits in Permit
( ) Interim Limits in Other Document

( ) Compliance Schedule Required
( ) Site Specific WQ Criteria
( ) Variance to WQ Standards
( ) Water Effects Ratio
( ) Discharge to 303(d) Listed Segment
( ) Toxics Management Program Required
( ) Toxics Reduction Evaluation
(X) Storm Water Management Plan
( ) Pretreatment Program Required
( ) Possible Interstate Effect

10/02/00

APPLICATION COMPLETE: 11/01/2000

6. **RECEIVING WATERS CLASSIFICATION:** River basin information.

Outfall No: NA

Receiving Stream:	Discharges from the City of Portsmouth's municipal separate storm sewer system enter the water of the Elizabeth River, James River, Western Branch (Churchland and Southside), Southern Branch, Baines Creek, Carney Creek, Craney Island Creek, Hofflers Creek, Paradise Creek, Scotts Creek, Sterns Creek, Tarts Creek, Lake Collins, Lake Cavalier, Lake Kingman, Lake Armistead, Lake Jean, Green Lake, Lake Sweetbriar, Horseshoe Lake, Lake Willis and Lake Pam. Individual outfalls from the storm sewer system may discharge to tributaries of these water bodies.				
River Mile:					
Basin:	James River (Lower)				
Subbasin:	NA				
Section:	1	1b	1c	1d	1e
Class	II	II	III	II	III
Special Standards	a, NEW-19	a, NEW-19	NEW-19	a,NEW19	NEW-19
Tidal:	YES				
7-Day/10-Year Low Flow:					
1-Day/10-Year Low Flow:					
30-Day/5-Year Low Flow:					
Harmonic Mean Flow:					

7. **FACILITY DESCRIPTION:** Describe the type facility from which the discharges originate.

EXISTING municipal separate storm sewer system resulting from the surface water runoff from the City of Portsmouth.

8. **LICENSED OPERATOR REQUIREMENTS:** (X) No ( ) Yes Class:

9. **RELIABILITY CLASS:** **Not Applicable**

10. **SITE INSPECTION DATE:** December 15, 1999 **REPORT DATE:** December 15, 1999

Performed By: Jeffery K. Diebler **SEE ATTACHMENT 1**

11. **DISCHARGE(S) LOCATION DESCRIPTION:** Provide USGS Topo which indicates the discharge location, significant (large) discharger(s) to the receiving stream, water intakes, and other items of interest.

Name of Topo: Norfolk North, Newport News, Bowers Hill, Norfolk South
Quadrant No.: 35A,B,C,D **SEE ATTACHMENT 2**

12. **ATTACH A SCHEMATIC OF THE WASTEWATER TREATMENT SYSTEM(S) [IND. & MUN.]. FOR INDUSTRIAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE PRODUCTION CYCLE(S) AND ACTIVITIES. FOR MUNICIPAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE TREATMENT PROVIDED.**

Not Applicable

13. **DISCHARGE DESCRIPTION:** Describe each discharge originating from this facility.

Not Applicable

12. ATTACH A SCHEMATIC OF THE WASTEWATER TREATMENT SYSTEM(S) [IND. & MUN.]. FOR INDUSTRIAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE PRODUCTION CYCLE(S) AND ACTIVITIES. FOR MUNICIPAL FACILITIES, PROVIDE A GENERAL DESCRIPTION OF THE TREATMENT PROVIDED.

N/A

13. DISCHARGE DESCRIPTION: Describe each discharge originating from this facility.

N/A

14. COMBINED TOTAL FLOW:

TOTAL: rainfall dependant MG (for public notice)

NONPROCESS/RAINFALL DEPENDENT FLOW: > 1 MG (Est.)

15. STATUTORY OR REGULATORY BASIS FOR EFFLUENT LIMITATIONS AND SPECIAL CONDITIONS: (Check all which are appropriate)

- X State Water Control Law
- X Clean Water Act
- X VPDES Permit Regulation (9 VAC 25-31-10 et seq.)
- X EPA NPDES Regulation (Federal Register)
- _____ EPA Effluent Guidelines (40 CFR 133 or 400 - 471)
- _____ Water Quality Standards (9 VAC 25-260-5 et seq.)
- _____ Wasteload Allocation from a TMDL or River Basin Plan

16. EFFLUENT LIMITATIONS/MONITORING: Provide all limitations and monitoring requirements being placed on each outfall.

N/A

17. SPECIAL CONDITIONS: Provide all actual permit special conditions.

SEE ATTACHMENT: 3

18. EFFLUENT LIMITATIONS/MONITORING RATIONALE: Attach any analyses of an outfall by individual toxic parameter. As a minimum, it will include: statistics summary (number of data values, quantification level, expected value, variance, covariance, 97th percentile, and statistical method); wasteload allocation (acute, chronic and human health); effluent limitations determination; input data listing. Include all calculations used for each outfall and set of effluent limits and those used in any model(s). Include all calculations/documentation of any antidegradation or anti-backsliding issues in the development of any limitations; complete the review statements below. Provide a rationale for limiting internal waste streams and indicator pollutants. Attach chlorine mass balance calculations, if performed. Attach any additional information used to develop the limitations, including any applicable water quality standards calculations (acute, chronic and human health).

OTHER CONSIDERATIONS IN LIMITATIONS DEVELOPMENT:

VARIANCES/ALTERNATE LIMITATIONS: Provide justification or refutation rationale for requested variances or alternatives to required permit conditions/limitations. This includes, but is not limited to: waivers from testing requirements; variances from technology guidelines or water quality standards; WER/translator study consideration; variances from standard permit limits/conditions.

N/A

SUITABLE DATA: In what, if any, effluent data were considered in the establishment of effluent limitations and provide all appropriate information/calculations.

All suitable effluent data were reviewed.

ANTIDEGRADATION REVIEW: Provide all appropriate information/calculations for the antidegradation review.

Not Applicable

ANTIBACKSLIDING REVIEW: Indicate if antibacksliding applies to this permit and, if so, provide all appropriate information.

There are no backsliding issues to address in this permit (i.e., limits as stringent or more stringent when compared to the previous permit).

19. SPECIAL CONDITIONS RATIONALE: Provide a rationale for each of the permit's special conditions.

SEE ATTACHMENT 4

20. TOXICS MONITORING/TOXICS REDUCTION AND WET LIMIT SPECIAL CONDITIONS RATIONALE: Provide the justification for any toxics monitoring program and/or toxics reduction program and WET limit; the actual conditions for the permit are to be included under Attachment 6.

Not Applicable

21. SLUDGE DISPOSAL PLAN: Provide a description of the sludge disposal plan (e.g., type sludge, treatment provided and disposal method). Indicate if any of the plan elements are included within the permit.

Not Applicable

22. MATERIAL STORED: List the type and quantity of wastes, fluids, or pollutants being stored at this facility. Briefly describe the storage facilities and list, if any, measures taken to prevent the stored material from reaching State waters.

Not Applicable

23. RECEIVING WATERS INFORMATION: Refer to the State Water Control Board's Water Quality Standards (e.g., River Basin Section Tables (9 VAC 25-260-5 et seq.). **Use 9 VAC 25-260-140 C (introduction and numbered paragraph) to address tidal waters where fresh water standards would be applied or transitional waters where the most stringent of fresh or salt water standards would be applied.** Attach any memoranda or other information which helped to develop permit conditions (i.e. tier determinations, PReP complaints, special water quality studies, STORET data and other biological and/or chemical data, etc.

Not Applicable

24. 303(d) Listed Segments: Indicate if the facility discharges to a segment that is listed on the current 303(d) list and, if so, provide all appropriate information/calculations.

TMDLs are not included in this permit as the receiving waters are not listed on the 303(d) list.

25. CHANGES TO PERMIT: Use **TABLE III(a)** to record any changes from the previous permit and the rationale for those changes. Use **TABLE III(b)** to record any changes made to the permit during the permit processing period and the rationale for those changes [i.e., use for comments from the applicant, VDH, EPA, other agencies and/or the public where comments resulted in changes to the permit limitations or any other changes associated with the special conditions or reporting requirements].

SEE ATTACHMENT 5

26. NPDES INDUSTRIAL PERMIT RATING WORKSHEET:

TOTAL SCORE: 700 SEE ATTACHMENT 6

27. **DEQ PLANNING COMMENTS RECEIVED ON DRAFT PERMIT:** Document any comments received from DEQ planning.

28.

The discharge is not addressed in any planning document but will be included when the plan is updated.

29. **PUBLIC PARTICIPATION:** Document comments/responses received during the public participation process. If comments/responses provided, especially if they result in changes to the permit, place in the attachment.

VDH/DSS COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the Virginia Dept. of Health and noted how resolved.

The VDH had no objections to the draft permit, as stated by letter dated 12/12/00.

EPA COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from the U.S. Environmental Protection Agency and noted how resolved.

EPA has no objections to the adequacy of the draft permit. (01/16/01)

ADJACENT STATE COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from an adjacent state and noted how resolved.

Not Applicable.

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

The application and draft permit have received public notice in accordance with the VPDES Permit Regulation, and no comments were received.

PUBLIC NOTICE INFORMATION: Comment Period: Start Date 01/23/01
End Date 02/22/01

Persons may comment in writing or by e-mail to the DEQ on the proposed reissuance of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Debra L. Thompson at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2162 E-mail: dlthompson@deq.state.va.us

Following the comment period, the Board will make a determination regarding the proposed reissuance. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

30. **ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION:**

a. There are NO DMR's associated with this permit. The extensive monitoring/tracking information required by this permit shall be submitted in an Annual Report to DEQ in accordance with EPA Regulation 40 CFR 122.42 (c).

b. The cover page of this permit does not specify a receiving stream, only lists "waters of the State" as receiving waters.

31. SUMMARY OF SPECIFIC ATTACHMENTS LABELED AS:

Attachment 1	Site Inspection Report/Memorandum
Attachment 2	Discharge Location/Topographic Map
Attachment NA	Schematic/Plans & Specs/Site Map/Water Balance
Attachment NA	TABLE I - Discharge/Outfall Description
Attachment NA	TABLE II - Effluent Monitoring/Limitations
Attachment 3	Special Conditions
Attachment NA	Effluent Limitations/Monitoring Rationale/Suitable Data/Antidegradation/Antibacksliding
Attachment 4	Special Conditions Rationale
Attachment NA	Toxics Monitoring/Toxics Reduction/WET Limit Rationale
Attachment NA	Material Stored
Attachment NA	Receiving Waters Info./Tier Determination/STORET Data/Stream Modeling
Attachment NA	303(d) Listed Segments
Attachment 5	TABLE III(a) and TABLE III(b) - Change Sheets
Attachment 6	NPDES Industrial Permit Rating Worksheet
Attachment 7	Chronology Sheet
Attachment ____	Public Participation

ATTACHMENT 1

SITE INSPECTION REPORT/MEMORANDUM

...ility:	PORTSMOUTH 54
County/city:	PORTSMOUTH

VPDES NO.	VA0088668

DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTEWATER FACILITY
INSPECTION REPORT
PART 1

Inspection date:	DECEMBER 15, 1999	Date form completed:	DECEMBER 15, 1999
Inspection by:	JEFFREY K. DEIBLER	Inspection agency:	DEQ/TRO
Time spent:	3.0 HOURS		
Reviewed by: Kenneth T. Raum	KENNETH T. RAUM		
Present at inspection:	CINDY LINKENHOKER- CIVIL ENGINEER		

FACILITY TYPE:	FACILITY CLASS:
(X) Municipal	(X) Major
( ) Industrial	( ) Minor
( ) Federal	( ) Small
( ) VPA/NDC	( ) High Priority ( ) Low Priority

TYPE OF INSPECTION:

Routine	X	Reinspection		Compliance/assistance/complaint	

Date of previous inspection:	DECEMBER 17, 1998	Agency:	DEQ/TRO

Population Served:	VARIES	Connections Served	N/A

Last Month Average: Influent N/A	BOD_5 (mg/l)		TSS (mg/l)		Flow (MGD)			
	Other:							
Last Month Average: Effluent N/A	BOD_5 (mg/l)		TSS (mg/l)		Flow (MGD)		NH_3 (mg/l)	
	Other:							
Last Quarter Average: Effluent N/A	BOD_5 (mg/l)		TSS (mg/l)		Flow (MGD)		NH_3 (mg/l)	
	Other:							

Data verified in preface:	Updated?		NO CHANGES?		X
Has there been any new construction?			YES		NO X
If yes, were the plans and specifications approved?	N/A		YES		NO
DEQ approval date:	N/A				

PROBLEMS IDENTIFIED AT LAST INSPECTION	CORRECTED	NOT CORRECTED
NONE		

SUMMARY

INSPECTION COMMENTS:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT EFFECTIVE JANUARY 26, 1996, EXPIRES JANUARY 26, 2001.
THE AUTHORIZED DISCHARGES COVERED BY THIS PERMIT INCLUDE ALL POINT SOURCE DISCHARGE OUTFALLS FROM THE MS4. THIS INCLUDES ALL CURRENTLY IDENTIFIED OUTFALLS AND ANY NEW OUTFALLS LOCATED OR CONSTRUCTED AFTER ISSUANCE OF THIS PERMIT. THERE ARE APPROXIMATELY 125 MAJOR OUTFALLS IN THE CITY OF PORTSMOUTH.
THERE IS NO TREATMENT OF THE STORM WATER PRIOR TO DISCHARGE.
THE PERMIT DOES NOT CONTAIN EFFLUENT LIMITATIONS AT THIS TIME, BUT MAY IN THE FUTURE.
THERE ARE NO DMRs ASSOCIATED WITH THIS PERMIT.
THE PERMIT REQUIRES AN EXTENSIVE ANNUAL REPORT. THE FY 99 ANNUAL REPORT WAS SUBMITTED OCTOBER 11, 1999.
A STORM WATER MANAGEMENT PROGRAM HAS BEEN DEVELOPED AND IMPLEMENTED TO CONTROL POLLUTANTS DISCHARGED TO, AND ULTIMATELY FROM, THE STORM SEWER SYSTEM. THE PERMIT PROPOSES THAT IMPLEMENTATION OF THE STORM WATER MANAGEMENT PROGRAM AND BEST MANAGEMENT PRACTICES ALONG WITH APPROPRIATE MONITORING, REVIEW, AND MODIFICATION OF THE PROGRAM WILL CONTROL POLLUTANT DISCHARGES FROM THE MS4. THE STORM WATER MANAGEMENT PROGRAM IS AN ENFORCEABLE PART OF THE PERMIT. THE PROVISIONS OF THE PERMIT REQUIRE THAT POLLUTANTS DISCHARGED FROM THE MS4 ARE REDUCED TO THE MAXIMUM EXTENT PRACTICABLE.

COMPLIANCE RECOMMENDATIONS FOR ACTION

NONE

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
LABORATORY INSPECTION REPORT
4/96

FACILITY NO:	INSPECTION DATE:	PREVIOUS INSP. DATE:	PREVIOUS RATING:	TIME SPENT:
VA0088668	DECEMBER 15, 1999	DECEMBER 17, 1998	SATISFACTORY	1.0 HOURS

NAME/ADDRESS OF FACILITY:	FACILITY CLASS:	FACILITY TYPE:
CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS 801 CRAWFORD STREET PORTSMOUTH, VA 23704-3822 (757) 393-8592	(X) MAJOR ( ) MINOR ( ) SMALL ( ) HIGH PRIORITY ( ) LOW PRIORITY	(X) MUNICIPAL ( ) INDUSTRIAL ( ) FEDERAL ( ) COMMERCIAL LAB ( ) VPA/NDC

INSPECTOR(S):	REVIEWERS:	PRESENT AT INSPECTION:
JEFFREY K. DEIBLER	KENNETH T. RAUM KTR	CINDY LINKENHOKER- CIVIL ENGINEER

LABORATORY EVALUATION	RATING		
	SAT	QUAL	UNSAT
LABORATORY RECORDS	X		
GENERAL SAMPLING & ANALYSIS	X		

QUALITY ASSURANCE/QUALITY CONTROL

Y/N	QUALITY ASSURANCE METHOD USED	PARAMETERS	FREQUENCY
	REPLICATE SAMPLES		
	SPIKED SAMPLES		
	STANDARD SAMPLES		
	SPLIT SAMPLES		
	SAMPLE BLANKS		
	OTHER		
	EPA-DMR PE SAMPLES?	RATING: ( ) ACCEPTABLE ( ) UNACCEPTABLE	
	QC SAMPLES PROVIDED?	RATING: ( ) SAT ( ) UNSAT ( ) NA	

COPIES TO: (X) DEQ (X) OWPP ( ) VDH ( ) OE (X) OWNER ( ) OTHERS:

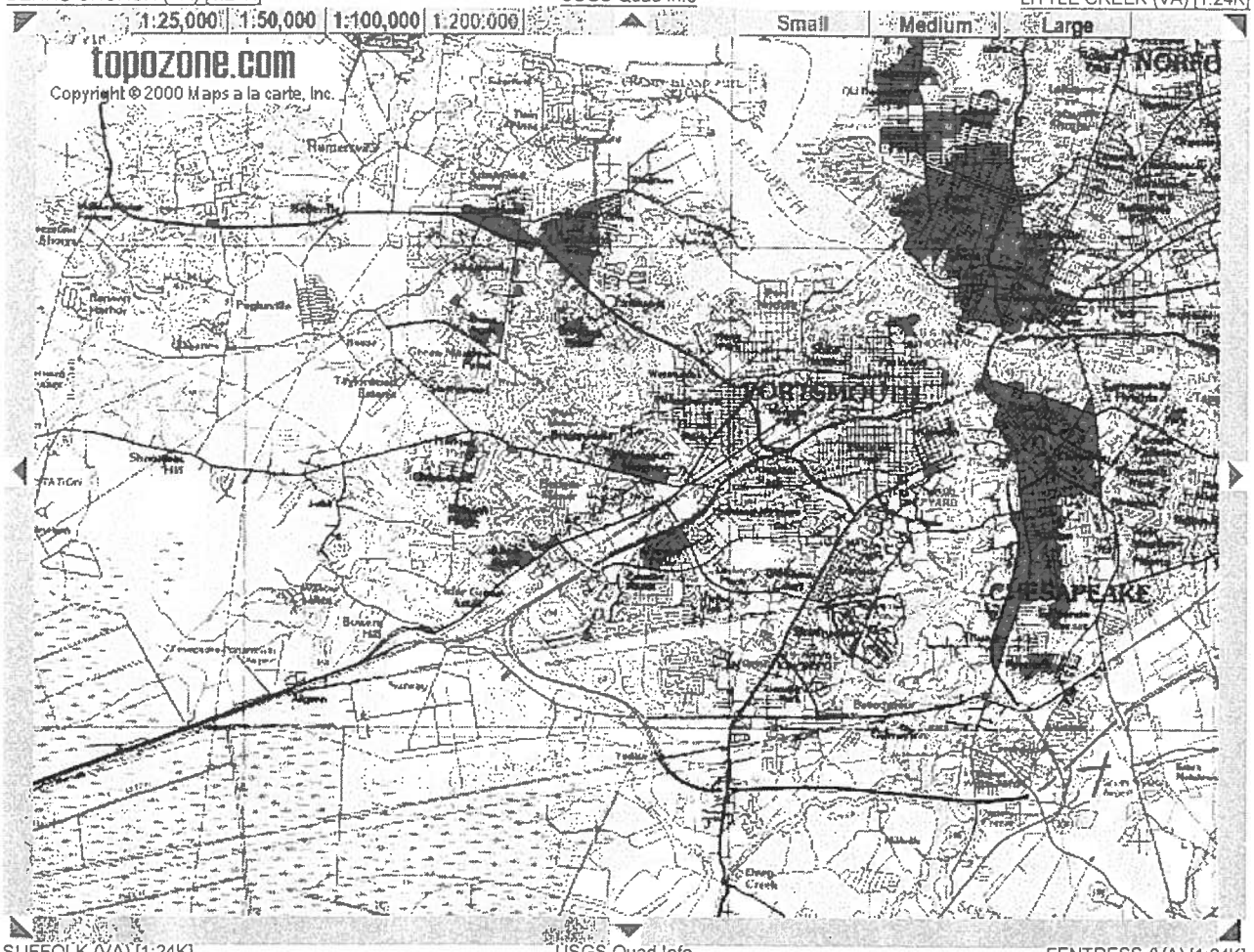
ATTACHMENT 2

DISCHARGE LOCATION/TOPOGRAPHIC MAP

Map target is 36.8342°N, 76.3897°W - UTM Zone 18, N 4077177, E 376075
Exact center of display is UTM Zone 18, N 4075176, E 377952

BENNS CHURCH (VA) [1:24K] USGS Quad Info LITTLE CREEK (VA) [1:24K]

1:25,000 | 1:50,000 | 1:100,000 | 1:200,000 Small | Medium | Large



SUFFOLK (VA) [1:24K] USGS Quad Info FENTRESS (VA) [1:24K]

meters 0 4000 8000 12000 16000

miles 0 4.0 8.0

Click anywhere on the map to recenter the map on that point.
Take a look at our Map Legend for help with topographic map symbols

TABLE I

NUMBER AND DESCRIPTION OF OUTFALLS

OUTFALL NO.	DISCHARGE LOCATION	DISCHARGE SOURCE (1)	TREATMENT (2)	FLOW (3)
001		NOT APPLICABLE		

(1) List operations contributing to flow
(2) Give brief description, unit by unit
(3) Give maximum 30-day average flow for industry and design flow for municipal

ATTACHMENT 3

SPECIAL CONDITIONS

PART I

A. STORM WATER MANAGEMENT PROGRAM

The permittee shall continue development, implementation, and, where appropriate, refinement of the Storm Water Management Program including pollution prevention measures, management or removal techniques, use of legal authority, and other appropriate means to control the quality and quantity of storm water discharged from the municipal separate storm sewer system. The Storm Water Management Program shall include controls necessary to effectively prohibit the unauthorized discharge of non-storm water into the municipal separate storm sewer system and reduce the discharge of pollutants from the municipal separate storm sewer system to the maximum extent practicable. The permittee shall implement, to the maximum extent practicable, the provisions of the Storm Water Management Program required under this Part as a condition of the permit. All applicable components of the Municipal Separate Storm Sewer System Phase I VPDES Permit Application submitted in accordance with 40 CFR 122.26, and all approved modifications are hereby incorporated by reference into the Storm Water Management Program. The Storm Water Management Program shall cover the term of the permit and the permittee shall update it as necessary, or as required by the Department of Environmental Quality, to ensure compliance with the statutory requirements of the Clean Water Act §402(p)(3)(B). Progress towards the goals and meeting specific program components shall be documented in the Annual Report required by this permit.

1. Contents of the Program

The Storm Water Management Program shall contain the following four elements:

a. A program to utilize structural and source control measures to reduce pollutants that are discharged through the municipal separate storm sewer system in storm water runoff from commercial and residential areas, including a schedule for implementing the controls.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall continue with the existing maintenance program for structural controls owned and operated by the permittee.

The permittee is responsible for obtaining any required State or federal permits necessary to complete maintenance activities, including permits for land disturbance, wetlands disturbance, dredging, etc.

(2) The permittee shall adhere to and, where applicable, enforce all those components of The Comprehensive Plan, the Storm Water Management Master Plan, and all storm water related ordinances pertaining to development and redevelopment in the City of Portsmouth.

(3) The permittee shall maintain the existing programs designed to reduce impacts on receiving waters from the operation and maintenance of public streets, roads and highways.

(4) The permittee shall maintain the existing programs to assure that flood management projects assess the impacts on the water quality of receiving water bodies.

(5) The permittee shall maintain its program to reduce the pollutants in discharges to the municipal separate storm sewer system associated with the application of pesticides, herbicides and fertilizers. The permittee shall maintain the public relations plan designed to educate the general public and targeted groups about storm water pollution prevention, which includes the application of herbicides, pesticides, and fertilizer.

b. A program and schedule to detect and remove, or to notify a discharger to apply for a separate VPDES permit for, unauthorized non-storm water discharges and/or improper disposal into the municipal separate storm sewer system.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall implement and enforce all provisions of the City's Storm Sewer System Discharge Ordinance which prohibits unauthorized non-storm water discharges to the storm sewer system.

(2) The permittee shall continue the implementation of the current field screening procedures for identifying unauthorized non-storm water discharges and improper disposal into the storm sewer system. Priority shall be placed on segments of the storm sewer system which receive drainage from industrial and commercial sources.

(3) Where necessary, the permittee shall conduct on-site investigation of potential sources of unauthorized non-storm water discharges. The permittee shall act as expeditiously as possible to

require a discharger to eliminate unauthorized non-storm water discharges except discharges identified in Part I.B.4 of this permit, or, if appropriate, to notify the discharger to apply to the Department of Environmental Quality for a Virginia Pollutant Discharge Elimination System (VPDES) permit for the discharge. If a VPDES permit is needed, but not obtained by the discharger, the permittee shall take actions to implement the applicable provisions of the City Code. The permittee shall require immediate cessation of improper disposal practices upon identification of responsible parties.

(4) To the maximum extent practicable, the permittee shall contain spills and prevent spills from reaching, and subsequently discharging from, the municipal separate storm sewer system. The permittee shall continue to respond to hazardous material spills under the latest "Hazardous Materials Emergency Response Plan" prepared by the City.

(5) The permittee shall continue implementation of the program to promote, publicize, and facilitate public reporting of the presence of unauthorized non-storm water discharges or water quality impacts associated with discharges from the municipal separate storm sewer system.

(6) The permittee shall continue implementation of the educational/public information activities relative to proper management and disposal of used oil and toxic materials, including household hazardous wastes.

(7) Where necessary, the permittee shall develop and implement controls to limit infiltration of seepage from the municipal sanitary sewer to the municipal separate storm sewer. The permittee shall continue implementation and enforcement of the applicable provisions of the City Code addressing the restriction of interconnection of the sanitary sewer and storm sewer system.

c. A program to monitor and control pollutants in storm water discharges from municipal landfills, hazardous waste treatment, storage and disposal facilities, industrial facilities subject to Section 313 of the Emergency Planning and Community Right to Know Act, and facilities determined by the permittee to be contributing substantial pollutant loadings.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall inspect any new or previously unidentified facilities (as described above), and may establish and implement control measures as necessary/appropriate for storm water discharges from these facilities.

(2) The permittee may monitor, or require the facility to monitor, storm water discharges associated with industrial activity to the municipal separate storm sewer system from facilities described in Part I.A.1.c above. This monitoring program shall be designed by the City of Portsmouth.

d. A program to continue implementation and maintenance of structural and nonstructural best management practices to reduce pollutants in storm water runoff from construction sites.

As part of the program outlined by the City in the Storm Water Management Master Plan:

(1) The permittee shall continue to operate in accordance with, and continue enforcement of the requirements of the Subdivision Ordinance (Chapter 33), Zoning Ordinance (Chapter 40), Excavation, Erosion & Sediment Control Ordinance (Chapter 11), Stormwater Management Ordinance (Chapter 31.1) and the Chesapeake Bay Preservation Area Overlay District Ordinance (Chapter 9).

Within 30 days of approval of a site plan, the permittee shall notify the Department of Environmental Quality, Tidewater Regional Office of the owner and site location of all land disturbing activities of greater than 5 acres. This shall continue until the DEQ promulgates regulations which incorporate the federal regulations (40 CFR 122.26 Phase II Storm Water) for notification of land disturbing activities of between 1 and 5 acres. The Department of Environmental Quality will determine if the land disturbing activity has been covered under a VPDES General Permit and will notify the owner and the permittee if such a permit is required. In addition, the permittee's Erosion and Sedimentation (E&S) Program shall be fully approved by the Department of Conservation & Recreation (DCR). If the permittee does not have a fully approved program, all efforts to achieve approval shall be documented in the annual report.

(2) The permittee shall continue implementation of the education and training program for construction site operators.

2. Program Modifications

Modifications for the purpose of this part cover major program changes including additions and deletions of program components in the Storm Water Management Program. Routine changes associated with the day-to-day operations of the specific components of the Storm Water Management Program are not subject to the requirements of this Part, but shall be documented in the Annual Report required by this permit.

a. Program Modifications Requested by the Permittee

The permittee shall modify the Storm Water Management Program during the term of the permit in accordance with the following procedures:

(1) The approved Storm Water Management Program shall not be modified by the permittee without the prior approval of the Department of Environmental Quality, unless in accordance with items (2) and (3) below.

(2) Modifications adding (but not subtracting or replacing) components, controls or requirements to the approved Storm Water Management Program may be made by the permittee at any time upon written notification to the Department of Environmental Quality.

(3) Modifications replacing an ineffective or infeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Department of Environmental Quality, the modification shall be deemed approved and may be implemented by the permittee 60 days from submittal of the request. Such requests shall include the following:

(a) an analysis of why the BMP is ineffective or infeasible (including cost prohibitives);

(b) expectation on the effectiveness of the replacement BMP; and

(c) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

(4) Modification requests and/or notifications shall be made in writing and signed in accordance with Part II.K of this permit.

b. Program Modifications Requested by the Department of Environmental Quality

The Department of Environmental Quality may require modifications of the Storm Water Management Program as needed to:

(1) address adverse impacts on receiving water quality caused, or contributed to, by discharges from the municipal separate storm sewer system;

(2) include more stringent requirements necessary to comply with new State or federal statutory or regulatory requirements; or

(3) include such other conditions deemed necessary by the Department of Environmental Quality to comply with the goals and requirements of the Clean Water Act.

Modifications requested by the Department of Environmental Quality shall be made in writing and set forth the time schedule for the permittee to develop and implement the modification. The permittee may propose alternative program modifications and/or time schedules to meet the objective of the requested modification.

3. Annual Report

The first Annual Report shall be submitted to the Department of Environmental Quality, Tidewater Regional Office, by October 10, 2001, and shall cover the period from the effective date of the permit to the last day of the fiscal year, 2001. Subsequent Annual Reports shall be submitted within successive twelve month periods of the first report's due date and shall cover the period of the City's fiscal year. The report shall include the following information for the period covered:

a. The status of implementing the components of the Storm Water Management Program that are established under Parts I.A.1.a, b, c, and d of this permit. In addition to descriptions of each program element's status, the following specific information shall also be submitted:

(1) A summary of the maintenance activities performed on structural BMPs in accordance with Part I.A.1.a.(1) of this permit;

(2) The progress on plan reviews of future flood management projects implementing useful water quality measures.

(3) The progress on the City's participation in a local or Regional public information program to address the following:

a. Any new public education programs concerning the use and disposal of pesticides, herbicides and fertilizers by commercial applicators and by the general public;

b. Any new programs developed to promote, publicize, and facilitate public reporting of the presence of non-storm water discharges into the municipal separate storm sewer system and a summary of the public response to the program;

c. Any new program developed to educate the public on proper management and disposal of used oil and toxic material developed in accordance with Part I.A.1.b.(6) of this permit.

(4) The number and nature of unauthorized non-storm water discharges or improper disposal practices eliminated under the program by conducting on-site investigations of potential sources of non-storm water discharges developed under Part I.A.1.b.(3) of this permit;

(5) A listing of any facilities identified and inspected under Part I.A.1.c.(1) of this permit, a summary of any controls established for these facilities, and the implementation schedule for any controls established for these facilities; and,

(6) Results of any monitoring performed in accordance with Part I.A.1.c.(2) of this permit.

b. Proposed changes to the Storm Water Management Program including those changes that were implemented during the reporting year;

c. Revisions, if necessary, to the assessment of controls and to the fiscal analysis reported in the permit application, and an assessment of the effectiveness of new controls established by the Storm Water Management Program;

d. A summary of the progress toward achieving the goals of the Storm Water Management Program through use of effectiveness indicators. This summary shall address each individual effectiveness indicator.

e. Annual expenditures for the reporting year and the budget for the year following each Annual Report.

f. A summary describing the number and nature of enforcement actions, inspections and public education programs;

g. Identification of water quality improvements or degradation;

h. A summary of cooperative or multi-jurisdictional activities the permittee undertook to facilitate compliance with permit requirements; and,

i. Annual nutrient loadings as indicated in Part I.C.2.j. of this permit.

B. SPECIAL CONDITIONS

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply at all times with the provisions of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10-et seq.).

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

2. The permittee shall submit the results of any tracking required by this permit with the annual report required by Part I.A.3. of this permit. The annual report shall be submitted to:

Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, Virginia 23462

3. The permittee shall ensure that all pollutants discharged from the municipal separate storm sewer system shall be reduced to the maximum extent practicable through the continued development and implementation of a comprehensive Storm Water Management Program as specified in Part I.A of this permit.

4. The permittee shall effectively prohibit non-storm water discharges into the municipal separate storm sewer system. The permittee may allow discharges of non-storm water or storm water associated with industrial activity as defined at 40 CFR 122.26 through the municipal separate storm sewer system if such discharges are:

   a. authorized by a separate VPDES permit;

   b. not identified by the permittee or the Department of Environmental Quality to be significant sources of pollutants to State waters and may include the following: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street washwater, and discharges or flows from fire fighting; or

      As necessary, the permittee may incorporate appropriate control measures in the Storm Water Management Program required by Part I.A of this permit to ensure the discharges identified in a and b above are not significant sources of pollutants to State waters.

5. The permittee shall operate pursuant to the established legal authority described in the 40 CFR 122.26 (d)(2)(i), or shall obtain the legal authority necessary to control discharges to and from those portions of the municipal separate storm sewer system over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract or an order to carry out all parts of the Storm Water Management Program identified in Part I.A of this permit.

6. To the maximum extent practicable, subject to annual appropriations, the permittee shall provide adequate finances, staff, equipment, and support capabilities to implement all parts of the Storm Water Management Program required by Part I.A of this permit. Where programs operated by entities other than the permittee are included in the permittee's Storm Water Management Program, the permittee shall, to the maximum extent practicable, ensure that such programs remain operational for the term of the permit. However, the permittee shall not be responsible for operating or financing the program in the future if the current operators cease the activity.

7. During the term of the permit, the permittee shall continue to identify any municipal separate storm sewer system outfalls not previously identified.

C. Indicators of Storm Water Management Program Effectiveness

1. The permittee shall conduct a storm water tracking program as set forth in Part I.C of this permit for the municipal separate storm sewer system to: (1) provide information necessary to assess the effectiveness and adequacy of control measures implemented under the Storm Water Management Program; (2) estimate seasonal cumulative pollutant loadings from the municipal separate storm sewer system; (3) identify and prioritize portions of the municipal separate storm sewer system requiring additional controls; and (4) identify water quality improvements or degradation. The Department of Environmental Quality and the permittee may assess improvement in the quality of storm water from the municipal separate storm sewer system based on the information required by this Part, plus any additional information generated by the permittee.

2. The Permittee shall develop and implement the tracking program described in Part I.C.1. for a series of indicators that are designed as measures of Storm Water Management Program Effectiveness and that are tailored to the regional goals. The indicators shall be aligned within four indicator groups that represent traditional monitoring practices. Indicator tools within each group shall be used to measure different components of the stormwater program. The indicators to be tracked shall be categorized as follows:

Indicator Group	Indicator
Water Quality	Pollutant Loadings
Physical and Hydrological	Greenlands Program
Programmatic	Investigative Monitoring, BMP Implementation, Flooding and Drainage Control, Flooding and Drainage Projects, Erosion and Sediment Control, Permitting and Compliance, Operations and Maintenance
Socioeconomic	Public Information Programs

The ten (10) indicators within these broad categories shall be tracked on a regular basis and reported to DEQ in the Permit Annual Report submitted to the Department each year. The indicators are defined in the following paragraphs.

a. Greenlands

Greenlands are lands that are permanently protected from development or lands that are restored to a more natural state during redevelopment and provide a water quality benefit by reducing watershed imperviousness. Such lands may include parklands, refuges, wetlands, and lands protected by conservation easement. The number of acres of greenlands will be tracked to assess progress towards reducing the potential watershed imperviousness and nonpoint source pollution loads at build out.

b. Best Management Practice (BMP) Implementation

Storm water BMPs help to minimize flooding and water quality impacts associated with development. Experience has shown that over time, lack of maintenance has caused BMPs to lose their effectiveness. In addition, older developed areas lack BMPs or BMPs that have been installed lack water quality protection measures in their design. To measure the success of BMPs in flood and water quality protection, the number and types of BMPs installed or retrofitted for water quality, the number of developed acres served by BMPs by land use, and inspection and maintenance activities will be reported. This in turn will allow the estimation of pollutant removal by BMPs and assist in evaluating whether BMPs are properly functioning.

c. Erosion and Sediment Control

Every local government in the Commonwealth of Virginia is required to administer an Erosion and Sediment Control Program. The Erosion and Sediment Control Law requires that land disturbing activities exceeding 10,000 square feet submit an Erosion and Sediment Control Plan and meet minimum standards. Under the Chesapeake Bay Preservation Act, the threshold is decreased to 2,500 square feet in a Chesapeake Bay Preservation Area. The minimum standards specify practices that reduce the amount of sediment leaving a construction site and minimize downstream flooding and streambank erosion. The effectiveness of local erosion and sediment control programs is limited by the level of enforcement and compliance. To monitor the extent of land disturbing activities, the number of approved erosion and sediment control plans and disturbed acreage will be tracked. To evaluate enforcement and the level of compliance with the local erosion and sediment control regulations, the number of inspections and enforcement actions will be stored in the database.

d. Flooding and Drainage Responses

Calls and complaints received from citizens can be an indicator of the performance of a storm water program. Responsiveness of a storm water program, in the form of inspections and resulting maintenance activities can also be an indicator of effective administration of the storm water program. The number of citizen calls and responses will be tracked.

e. Flooding and Drainage Projects

An important function of a local storm water program is to correct flooding and water quality problems. These projects may be included in the local Capital Improvement Projects program. These projects may involve retrofitting areas, installing BMPs, or restoration activities. To help determine whether a storm water program is actively performing this important function, the number and cost of flooding and drainage projects will be tracked.

f. Investigative Monitoring

Non-storm water discharges, such as hazardous material spills, wastewater cross connections, and other illicit discharges into the storm water system can represent a significant source of pollution. Implementing an effective illicit discharge/connection management program to control these sources can result in considerable improvements to water quality. In order to assess whether an illicit discharge/connection program

is being effectively implemented, investigative and corrective actions will be tracked. These actions include screening inspections and measures taken to locate and eliminate illicit discharges/connections.

g. Operations and Maintenance

Operation and maintenance activities are crucial to a storm water conveyance system's ability to reduce flooding and minimize the amount of pollutants that are discharged into the region's waterways. Operation and maintenance activities include street sweeping and cleaning and repairing catch basins and drainage facilities. By monitoring these activities, the proper functioning of the storm water system can be assessed, and the amount of sediment that was prevented from being discharged by the storm water system can be estimated.

h. Permitting and Compliance

Development causes the amount of runoff and pollution in a watershed to increase. To monitor development levels and activity, the number of approved site and subdivision plans, and their associated developed or redeveloped acres will be tracked.

i. Environmental Knowledge

Informing individuals, households and businesses about storm water issues and measures they can all take to reduce pollution is important to gaining public support of a storm water program and protecting water quality. Public education and outreach activities that will be tracked to determine whether a storm water program is adequately carrying out this function include: numbers and type of different publications and number distributed for each, public outreach activities, media campaigns, riparian restoration activities by citizens, stream cleanup activities, and web site hits.

j. Water Quality Nutrient Loadings

Nutrient loadings will be tracked on an annual basis. Pollutant loading estimates will be developed using the Event Mean Concentrations(EMCs), data on percent impervious, and acreage of land use change (acreage). Loading reductions will be calculated based on an estimate of land use change, the acreage served by BMPs, including newly installed or retrofitted BMPs, and the effectiveness of those BMPs. The EMCs used in these calculations, will be those calculated in Permit Year 3 of the previous permit and modified to reflect the Permit Year 5 EMC calculations.

ATTACHMENT 4

SPECIAL CONDITIONS RATIONALE

Special Conditions Rationale According to Federal Guidelines (40 CFR)

1. Development and implementation of the Comprehensive Storm Water Management Program - EPA NPDES Permit Regulation, 40 CFR 122.26(d)(2)(iv).

2. Prohibition of non-storm water discharges - EPA NPDES Regulation, 40 CFR 122.26(d)(2)(iv)(B)(1).

3. Adequate legal authority - EPA NPDES Regulation, 40 CFR 122.26(d)(2)(i).

4. Adequate finances, staff, equipment and support capabilities to implement the Storm Water Management Program - EPA NPDES Regulation, 40 CFR 122.26(d)(2)(vi).

5. Identification of additional outfalls - EPA Regulation, 40 CFR 122.26(d)(2)(ii).

6. Submittal of an Annual Report - EPA NPDES Regulation 122.42(c).

ATTACHMENT 5

TABLE III(a) AND TABLE III(b) - CHANGE SHEETS

TABLE III(a)

VPDES PERMIT PROGRAM
Permit Processing Change Sheet

1. Effluent Limits and Monitoring Schedule: (List any changes FROM PREVIOUS PERMIT and give a brief rationale for the changes).

OUTFALL NUMBER	PARAMETER CHANGED	MONITORING LIMITS CHANGED FROM / TO	EFFLUENT LIMITS CHANGED FROM / TO	RATIONALE	DATE & INITIAL
001-005	all deleted	NO MONITORING	NO LIMITS	EMC's and annual pollutant loadings will be calculated based on information gathered during pervious permit. Program effectiveness will also be tracked through a proposed indicator tracking program.	DLT 10-00

OTHER CHANGES FROM:	CHANGED TO:	DATE & INITIAL
Update and continue storm water management program requirements	Update as necessary	DLT 10-00
Implement Effectiveness Indicator Tracking Program as a measure of how well the storm water management program is working.	New Program	DLT 10-00

TABLE III(b)

VPDES PERMIT PROGRAM
Permit Processing Change Sheet

1. Effluent Limits and Monitoring Schedule: (List any changes MADE DURING PERMIT PROCESS and give a brief rationale for the changes).

OUTFALL NUMBER	PARAMETER CHANGED	MONITORING LIMITS CHANGED FROM / TO	EFFLUENT LIMITS CHANGED FROM / TO	RATIONALE	DATE & INITIAL
001		AS OF 12/01/2000, NO CHANGES			

OTHER CHANGES FROM:	CHANGED TO:	DATE & INITIAL

ATTACHMENT 6

NPDES INDUSTRIAL PERMIT RATING WORKSHEET

NPDES Permit Rating Work Sheet

__X__ Regular Addition
___ Discretionary Addition
___ Score change, but no status change
___ Deletion

NPDES NO: |_V__|_A__|_0__|_0__|_8__|_8__|_6__|_6__|_8__|

Facility Name:

|_C__|_I__|_T__|_Y__|___|_O__|_F__|___|_P__|_O__|_R__|_T__|_S__|_M__|_O__|_U__|_T__|_H__|_ __|_M__|_S__|_4__|_|___|___|___|___|

City: |_P__|_O__|_R__|_T__|_S__|_M__|_O__|_U__|_T__|_H__|_ __|___|___|___|___|___|___|___|___|___|___|___|___|___|___|___|

Receiving Water: |_J__|_A__|_M__|_E__|_S__|_ __|_R__|_I__|_V__|_E__|_R__|___|___|___|___|_

Reach Number: |___|___|___|___|___|___|___|___|___|___|___|

Is this facility a steam electric power plant (SIC=4911) with one or more of the following characteristics?

1. Power output 500 MW or greater (not using a cooling pond/lake)
2. A nuclear power plant
3. Cooling water discharge greater than 25% of the receiving stream's 7Q10 flow rate

___ YES: score is 600 (stop here) ___ NO (continue)

Is this permit for a municipal separate storm sewer serving a population greater than 100,000?

_X__ YES; score is 700 (stop here)
_ __ NO (continue)

FACTOR 1: Toxic Pollutant Potential

PCS SIC Code: |_9__|_9__|_9__|_9__| Primary SIC Code: |_9__|_1__|_9__|_9__|

Other SIC Codes: |___|___|___|___| |___|___|___|___| |___|___|___|___| |___|___|___|___|

Industrial Subcategory Code: |_0__|_0__|_0__| (Code 000 if no subcategory)

Determine the Toxicity potential from Appendix A. Be sure to use the TOTAL toxicity potential column and check one

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
___ No process waste streams	0	0	___ 3.	3	15	___ 7.	7	35
___ 1.	1	5	___ 4.	4	20	___ 8.	8	40
___ 2.	2	10	___ 5.	5	25	___ 9.	9	45
			___ 6.	6	30	___ 10.	10	50

Code Number Checked: |_0__|_0__|

Total Points Factor 1: |_0__|_0__|

FACTOR 2: Flow/Stream Flow Volume *(Complete Either Section A or Section B; check only one)*

Section A--Wastewater Flow Only Considered

Wastewater Type (See Instructions)			Code	Points
Type I:	Flow < 5 MGD	___	11	0
	Flow 5 to 10 MGD	___	12	10
	Flow > 10 to 50 MGD	___	13	20
	Flow > 50 MGD	___	14	30
Type II:	Flow < 1 MGD	___	21	10
	Flow 1 to 5 MGD	___	22	20
	Flow > 5 to 10 MGD	___	23	30
	Flow > 10 MGD	___	24	50
Type III:	Flow < 1 MGD	___	31	0
	Flow 1 to 5 MGD	___	32	10
	Flow > 5 to 10 MGD	___	33	20
	Flow > 10 MGD	__	34	30

Section B–Wastewater and Stream Flow Considered

Wastewater Type (See Instructions)	Percent of Instream Wastewater Concentration at Receiving Stream Low Flow		Code	Points
Type I/III:	< 10%	___	41	0
	> 10% to < 50%	___	42	10
	> 50%	___	43	20
Type II:	<10%	___	51	0
	> 10% to < 50%	___	52	20
	> 50%	___	53	30

Code Checked from Section A or B: |___|___|

Total Points Factor 2: |___|___|

NPDES No.: |_V__|_A__|_0__|_0__|_8__|_8__|_6__|_6__|_8__|

FACTOR 3: Conventional Pollutants

(only when limited by the permit)

A. Oxygen Demanding Pollutant: (check one) ___ BOD ___ COD ___ Other:_____

Permit Limits: (check one)		*Code*	*Points*
___	< 100 lbs/day	1	0
___	100 to 1000 lbs/day	2	5
___	>1000 to 3000 lbs/day	3	15
___	>3000 lbs/day	4	20

Code Checked: |___|

Points Scored:|_N__|_A__|

B. Total Suspended Solids (TSS)

Permit Limits: (check one)		*Code*	*Points*
___	< 100 lbs/day	1	0
___	100 to 1000 lbs/day	2	5
___	>1000 to 5000 lbs/day	3	15
___	>5000 lbs/day	4	20

Code Checked: |___|

Points Scored:|_N__|_A__|

C. Nitrogen Pollutant: (check one) ___ Ammonia ___ Other: _____

Permit Limits: (check one)		*Code*	*Points*
___	< 300 lbs/day	1	0
___	300 to 1000 lbs/day	2	5
___	>1000 to 3000 lbs/day	3	15
___	>3000 lbs/day	4	20

Code Checked: |___|

Points Scored:|_N__|_A__|

Total Points Factor 3:|_N__|_A__|

FACTOR 4: Public Health Impact

Is there a public drinking water supply located within 50 miles downstream of the effluent discharge (this includes any body of water to which the receiving water is a tributary)? A public drinking water supply may include infiltration galleries, or other methods of conveyance that ultimately get water from the above referenced supply.

___ YES (if yes, check toxicity potential number below)
_X__ NO (if no, go to Factor 5)

Determine the human health toxicity potential from Appendix A. Use the same SIC code and subcategory reference as in Factor 1. (Be sure to use the human health toxicity group column -- check one below)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
___ No process waste streams	0	0	___ 3.	3	0	___ 7.	7	15
___ 1.	1	0	___ 4.	4	0	___ 8.	8	20
___ 2.	2	0	___ 5.	5	5	___ 9.	9	25
			___ 6.	6	10	___ 10.	10	30

Code Number Checked: |___|___|

Total Points Factor 4:|_N__|_A__|

FACTOR 5: Water Quality Factors

A. Is (or will) one or more of the effluent discharge limits based on water quality factors of the receiving stream (rather than technology-based federal effluent guidelines, or technology-based state effluent guidelines), or has a wasteload allocation been assigned to the discharge?

	Code	Points
___ Yes	1	10
___ No	2	0

B. Is the receiving water in compliance with applicable water quality standards for pollutants that are water quality limited in the permit?

	Code	Points
___ Yes	1	0
___ No	2	5

C. Does the effluent discharged from this facility exhibit the reasonable potential to violate water quality standards due to whole effluent toxicity?

	Code	Points
___ Yes	1	10
___ No	2	0

Code Number Checked: A |___| B |___| C |___|

Points Factor 5: A |___|___| + B |___| + C |___|___| = |_N__|_A__| **TOTAL**

FACTOR 6: Proximity to Near Coastal Waters

A. Base Score: Enter flow code here (from Factor 2): |___|___| *Enter the multiplication factor that corresponds to the flow code:* |___|___|

Check appropriate facility HPRI Code (from PCS):

HPRI #	*Code*	*HPRI Score*
___ 1	1	20
___ 2	2	0
___ 3	3	30
___ 4	4	0
___ 5	5	20

Flow Code	Multiplication Factor
11, 31, or 41	0.00
12, 32, or 42	0.05
13, 33, or 43	0.10
14 or 34	0.15
21 or 51	0.10
22 or 52	0.30
23 or 53	0.60
24	1.00

HPRI code checked: |___|

Base Score: (HPRI Score) _____ **x (Multiplication Factor)** _____ **=** _____ **(TOTAL POINTS)**

B. Additional Points--NEP Program
For a facility that has an HPRI code of 3, does the facility discharge to one of the estuaries enrolled in the National Estuary Protection (NEP) program (see instructions) or the Chesapeake Bay?

	Code	Points
___ Yes	1	10
___ No	2	0

C. Additional Points--Great Lakes Area of Concern
for a facility that has an HPRI code of 5, does the facility discharge any of the pollutants of concern into one of the Great Lakes' 31 areas of concern (see instructions)

	Code	Points
___ Yes	1	10
___ No	2	0

Code Number Checked: A |___| B |___| C |___|

Points Factor 6: A |___|___| + B |___|___| + C |___|___| = |_____| **TOTAL**

NPDES Permit Rating Work Sheet

NPDES NO: |_V__|_A__|_0__|_0__|_8__|_8__|_6__|_6__|_8__|

SCORE SUMMARY

Factor	Description	Total Points
1	Toxic Pollutant Potential	__NA____
2	Flow/Stream flow Volume	___NA____
3	Conventional Pollutants	___NA___
4	Public Health Impacts	___NA___
5	Water Quality Factors	___NA___
6	Proximity to Near Coastal Waters	____NA__
	TOTAL (Factors 1-6)	**__700_____**

S1. Is the total score equal to or greater than 80? _X__ Yes (Facility is a major) ___ No

S2. If the answer to the above question is no, would you like this facility to be discretionary major?

___ No

__ Yes (add 500 points to the above score and provide reason below:

Reason:

_This Municipal Separate Storm Sewer System (MS4) permit has been designated by EPA as a Major Municipal facility.

NEW SCORE: ____700_____

OLD SCORE: ____NA_____

Debra L.Thompson
Permit Reviewer's Name

(757) 518-2162
Phone Number

October 2, 2000
Date

ATTACHMENT 7

CHRONOLOGY SHEET

VPDES PERMIT PROGRAM

CHRONOLOGY OF EVENTS

LICATION EIVED	APPLICATION RETURNED	ADDITIONAL INFO REQUESTED	APPLICATION/ADD INFO DUE BACK IN RO	APPLICATION/ADD. INFO RECEIVED
-27-00				08-21-00
				10-01-00
				11-01-00

PPLICATION TO VDH: 08-07-00 VDH COMMENTS RECEIVED:08-14-00

PPLICATION TO OWPS: OWPS COMMENTS RECEIVED:

PPLICATION ADMIN. COMPLETE: 11-01-00 APPLICATION TECH. COMPLETE:08-21-00

ATE FORWARDED TO ADMIN:

ate	DESCRIPTIVE STATEMENT [CHRONOLOGY OF EVENTS] (Meetings, telephone calls, letters, memos, hearings, etc. affecting permit from application to issuance)
10-18-00	draft permit & FS to Burt Tuxford in OWPS for review & comments
10-25-00	comments rec'd from Burt Tuxford on MS4 draft. he is not in agreement with TRO
10-31-00	Teleconference with Burt Tuxford. In final discussions, he agrees with basic proposal but with slightly different language and arrangement of the body of the permit. TRO will make revisions.
11-02-00	Presented unofficial draft to permittees at the monthly HRPDC meeting. Scheduled a subsequent meeting to discuss comments from the permittees for 11-20-00 at the HRPDC Conference room.
11-20-00	Meeting held with all permittees to go through draft permit page-by-page. All comments were taken and DEQ will revise the draft based on comments and suggested language.
12-07-00	Official draft permit/pn/fs to permittees, EPA, VDH and Planning (DEQ) for comments.
12/ /00	owner concurrence on dp
12/ /00	PN authorization Rec'd
1/16/01	EPA approval on dp
12/ /00	VDH approval on dp
1/19/01	PN to Newspaper

CITY OF PORTSMOUTH MUNICIPAL SEPARATE STORM SEWER SYSTEM
VPDES PERMIT NO. VA0088668

NARRATIVE FACT SHEET

Background Information

Storm water is surface water runoff that results from precipitation events. As storm water flows across land surfaces it may pick up and carry pollutants with it. The storm water flow eventually reaches surface waters where the pollutants it carries may be introduced to the receiving waters. These pollutant loads may cause water quality impairment in these waters. Some of the major influences on the potential storm water pollution threat in a given area are the types of activities and the level of development and built-upon surfaces in the area. Built-upon surfaces prevent precipitation from infiltrating into the soil surface and therefore increase the amount of precipitation that becomes storm water runoff. In addition, the activities associated with built-upon areas also generate increased levels of various pollutants. These pollutants tend to be concentrated in various locations on the built-upon surfaces and thus made readily available for transport by storm water flows.

In urban and urbanizing areas, the affects of increased built-upon area and highly intensive urban activities create an environment where storm water pollutant sources may exist. Section 402(p) of the Clean Water Act (CWA) and related federal regulations (40 CFR 122.26) recognize the pollutant contribution of heavily urbanized area and require VPDES permits and storm water management programs for storm water discharges from certain municipal separate storm sewer systems (MS4s). A separate storm sewer system is a conveyance or system of conveyances which are designed or used to collect or convey storm water runoff which is not part of a combined sewer system or treatment works. This can include, but is not limited to, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that convey storm water runoff and ultimately discharge to waters of the State.

The provisions of this permit require that pollutants discharged from the MS4 are reduced to the maximum extent practicable. The City of Portsmouth is responsible for identifying pollutant sources and activities throughout the municipal area and developing and implementing a comprehensive storm water management program to control pollutants discharged to, and ultimately from, their storm sewer system.

Location of Discharge

The discharges covered by the permit are located within the jurisdictional area of the City of Portsmouth, Virginia. Discharges from the City of Portsmouth's municipal separate storm Sewer system enter the waters of the Elizabeth River, James River, Western Branch (Churchland and Southside), Southern Branch, Baines Creek, Carney Creek, Craney Island, Hofflers Creek, Paradise Creek, Scotts Creek,

Sterns Creek, Tarts Creek, Lake Collins, Lake Cavalier, Lake Kingman, Lake Armistead, Lake Jean, Green Lake, Lake Sweetbriar, Horseshoe Lake, Lake Willis and Lake Pam.

Individual outfalls from the storm sewer system may discharge to tributaries of these water bodies. The authorized discharges covered by this permit include all point sources discharge outfalls from the MS4. This includes all currently identified outfalls and any new outfalls located or constructed after issuance of this permit.

The permit authorizes point source discharges from storm water runoff from the City of Portsmouth's MS4 in accordance with the permit conditions which include the storm water management program. The discharges from the MS4 are, in general, to be composed only of storm water runoff. Some incidental non-storm water flows are allowed to enter the MS4 as long as these flows are not significantly impacting water quality. These non-storm water sources include flows from: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street washwater, and discharges or flows from fire fighting.

Non-storm water discharges into the MS4, such as process and non-process wastewater discharges, may be allowed if the discharges are covered by a VPDES permit separate from the permit issued for the MS4. In addition, there are eleven categories of the industries that are required by the CWA and federal regulations (40 CFR 122.26) to obtain VPDES permits for their point source discharges of storm water associated with an industrial activity. The VPDES permit obtained by these facilities require development of a pollution prevention plan to minimize the discharge of pollutants in the storm water runoff. Facilities that have been permitted independently under the VPDES program are allowed to discharge storm water through the MS4.

Pollutants of Concern

A wide range of land uses and activities can be expected to exist within a large urban area. All of these uses can potentially contribute pollutants to the municipal storm sewer system. With various levels and types of residential, commercial, industrial, institutional and construction activity ongoing in an urban area, it is often difficult to pinpoint specific pollutants or pollutant levels expected for individual urban activities or locations. However, it has been shown that urban development and the subsequent storm water runoff from these areas represent a major cumulative source of pollution to surface waters. In the previous permit, the permittee conducted individual pollutant monitoring which represented specific

water quality concerns while considering seasonal variations, land uses and drainage basins/watersheds. In this reissuance, focus is being placed not on individual pollutants, but overall Storm Water Management Program Effectiveness within the MS4. Four indicator groups have been proposed incorporating specific indicators aligned within the four groups that represent traditional monitoring practices.

Management Alternatives

The Department of Environmental Quality (DEQ) and EPA stress a source reduction/pollution prevention approach for storm water quality management. This is essentially founded on the basis that the quality of storm water discharged from the storm sewer system is dependent on the sources of pollutants available to contribute to the system through storm water runoff. Minimizing the pollutant sources reduces the pollutant impact of storm sewer discharges. On a local level, this type of management program may consist of various components including, but not limited to, sedimentation and erosion control programs for disturbed areas, land use planning and ordinance controls in developing areas, municipal programs for recycling and hazardous waste collection, public education and training programs, spill containment programs, and programs to detect and eliminate unauthorized non-storm water discharges to the storm sewer system. These types of Best Management Practices (BMPs) are considered to be the most efficient and effective methods from a cost and management standpoint. It is recognized, however, that in some situations, engineered storm water control structures may be utilized. The municipality must evaluate the land uses and activities in their area to determine the most appropriate management practices to manage and control storm water discharges.

Basis for Proposed Storm Water Management Programs and Storm water Characterization

The comprehensive programs developed by the municipality in response to permit requirements and citizen needs address the quality (pollutant reduction) and quantity (flood control) of storm water runoff, while meeting state and federal environmental regulations. This permit requires implementation of a storm water management program and tracking of effectiveness indicators designed to achieve regional goals. The storm water management program shall incorporate the following elements:

* Master planning procedures for development and redevelopment
* Practices for road maintenance and snow removal
* Practices to include water quality controls in flood control projects
* Programs at municipal landfills
* Controls on the use of pesticides, herbicides and fertilizers
* Erosion and sedimentation control for construction sites
* Site planning
* Education for construction site operators
* Controls on storm water from industrial and waste-handling sites

* Development and retrofit of structural controls (BMPs)
* Maintenance of BMPs
* Illicit discharge control program
* Spill response and prevention plan
* Public awareness program
* Used oil and household hazardous waste program
* Sanitary sewer seepage control program
* Storm water management funding program

The above elements are essential in working toward achieving the regional goals. The regional goals are used to guide the Storm Water Management Program and Storm Water Management Program Effectiveness Indicator Tracking Program. The regional goals are:

> Manage storm water quantity and quality to the maximum extent practicable (MEP) by: (a) implementing BMPs and retrofitting flood control projects to provide water quality benefits, (b) supporting site planning and plan review activities, (c) managing pesticide, herbicide and fertilizer applications.
>
> Implement public information activities to increase citizen awareness and support for the program.
>
> Meet the following citizen needs: (a) address flooding and drainage problems, (b) maintain the storm water infrastructure, (c) protect the waterways, (d) provide the appropriate funding for the program.
>
> Implement cost-effective and flexible program components.
>
> Satisfy VPDES storm water permit requirements by: (a) enhancement of erosion and sedimentation control, (b) management of illicit discharges, spill response and remediation.

If it is determined by DEQ that water quality problems exist that require water quality based controls or effluent limitations to protect the receiving waters, these requirements may be added as provisions of this permit or in a subsequent reissuance of this permit.

The assessment of storm water management alternatives in the permit is based on the intent of the VPDES municipal program to control pollutants discharged through the storm sewer system from heavily urbanized areas. The CWA, federal regulations and State permitting requirements recognize that control of storm water flows from MS4s must be accomplished on a site specific basis. This necessitates that flexibility be allowed in the development of local programs so that local conditions, land uses, activities and existing programs are appropriately considered. In order to assess and characterize storm water, the permittee calculated seasonal and annual pollutant loads for nine storm water pollutants for each primary watershed during the last permit term. Land use, drainage basin and BMP location data were used in conjunction with event mean concentrations (EMC's) percent

impervious land cover, and BMP pollutant removal efficiency data to calculate pollutant loads for the nine parameters. (An EMC is the average concentration of a pollutant measured during a storm runoff event.) Median EMC's were calculated and compared to median National Urban Runoff Program (NURP) values for different land uses. The EMC data are consistent among the six Hampton Roads Region cities and fell within or below the range of data from NURP. Implementation of tracking program effectiveness through effectiveness indicators is proposed for this permit reissuance. In addition, this permit proposes that continued implementation of the storm water management program and best management practices will control pollutant discharges from the MS4 in conformance with section 402(p) of the CWA. The permit does not address specific water quality based controls or effluent limitations at this time for a number of reasons. First of all, the CWA and associated federal regulations do not require that these strict provisions be a part of municipal VPDES permits. In fact, the records from these federal actions indicate that in development of the VPDES storm water permit requirements, it was recognized that MS4 permits would not necessarily be like other discharge permits and should be structured to allow flexibility for development of site specific programs for storm water management. In addition, DEQ believes that it is not appropriate at this time to establish specific standards for storm water discharges from MS4s due to the unique nature of each municipal system as well as the variability of storm water flows.

DEQ believes that the most economically and environmentally feasible alternatives for storm water management are Best Management Practices (BMPs). In the case of storm water discharges from MS4s, this approach has been taken through the implementation of the elements identified in the storm water management program. These programs are established on a local and regional level and reflect local and regional priorities, principals, practices and authorities that will be most effective in managing storm water discharges. It should be noted that federal regulations (40 CFR Part 122.44(k)(2)) authorize the use of BMPs for pollutant reduction when the permitting agency finds that numeric limits are infeasible.

In developing the permit conditions, consideration has been given to the usefulness of engineered treatment alternatives for storm water management. DEQ recognizes that in some situations these methods may be the best alternatives available on a small scale. On a broad basis, however, these methods would not appear to be an answer to storm water pollutant problems throughout the municipal area. The large number of outfall locations associated with the municipal storm sewer system, along with the intermittent high flow conditions associated with storm water discharges, do not allow efficient design or integration of end of pipe treatment methods on a system scale. This leads to permit conditions in the form of comprehensive storm water management programs implemented on a jurisdiction wide basis to control sources of pollution to the storm sewer system rather than targeting treatment methods prior to discharge.

Coverage

A wide range of land use activities occur in urban areas, and all of these activities potentially discharge storm water and pollutants associated with storm water to the municipal storm sewer system. To effectively reduce the discharge of pollutants, the storm water management program involves the development and implementation of comprehensive programs that address storm water management and source reduction/pollution prevention for a variety of land use activities including: residential, commercial, industrial, institutional and construction areas.

The City has authority over land use activities and pollutants that may be discharged in areas under their jurisdiction. Although they may not have ownership in these areas, the City can use their legal authority to control the pollutant contributions from these areas. The storm water management program allows flexibility for the City to deal with storm water problems, including those in private areas, according to the best alternatives available in any given situation. In some situations the City may determine that the most efficient and effective method of controlling pollutant discharges in an area is to consider options for obtaining ownership or operational responsibility for storm sewer systems in a specific area. The permit does not direct the City to obtain these more specific authorities, but allows flexibility for other control alternatives to be utilized to control storm water runoff in the context of the City's authority. It is anticipated that total program coverage may vary depending on the available authorities of the municipality.

Permit Conditions

In evaluating the storm water management program for the City of Portsmouth and developing the permit, consideration has been given to the need for flexibility in total program coverage. This flexibility allows for the location, targeting and control of storm water pollutant sources throughout the municipal area and potentially surrounding areas as appropriate according to local authorities and programs. The ultimate goal of the permit is that pollutants discharged from the MS4 must be reduced to the maximum extent practicable. In order to meet this goal, the City of Portsmouth is required to continue implementation of the provisions of their storm water management program which includes various components aimed at addressing specific needs and priorities. The storm water management program is an enforceable part of the permit and includes components to address storm water management through education and outreach programs; pollutant reduction from commercial, residential and construction areas; detection and removal of unauthorized non-storm water discharges; review, control and inspection of industrial and waste treatment or disposal facilities; and operation and maintenance of facilities as necessary. Additional provisions of the permit require that adequate and appropriate legal authorities and financial assurances be developed and maintained by the City to administer the storm water management program and that the City continue to assess

the extent of their storm sewer system including outfalls, drainage areas and pollutant load characterization.

Tracking and Reporting

In support of the City's storm water management program, the permit requires that appropriate tracking and reporting activities are undertaken to assess the progress and results of the local programs. The City has proposed a new tracking program for a series of indicators that are designed as measures of Storm Water Management Program Effectiveness and that are tailored to the regional goals. The indicators shall be aligned with four indicator groups that represent traditional practices. Indicator tools within each group shall be used to measure different components of the storm water program. Various tracking efforts will continue targeting specific land use areas and components of the storm water management program. These efforts include tracking, inspections, maintenance, enforcement and program implementation components. In accordance with 40 CFR Part 122.42(c), the City will develop and submit reports regarding the status of their storm water management program elements and results of the tracking program. These reports shall be submitted on an annual basis and the City may be requested to submit additional reporting information throughout the year as deemed necessary by DEQ to assess the status and results of the City's program.

Compliance with the tracking requirements, special conditions and storm water management program will be evaluated on the basis of program progress and results over the reporting periods throughout the life of the permit. As appropriate, DEQ may specify additional requirements or compliance schedules for any and all components of the storm water management program in order to achieve the level of implementation and progress deemed necessary by DEQ to achieve water quality protection and meet the intent of the municipal permitting program.

PUBLIC NOTICE

REISSUANCE OF A VPDES PERMIT TO DISCHARGE
TO STATE WATERS AND STATE CERTIFICATION UNDER
THE STATE WATER CONTROL LAW

First Public Notice Issue Date: (to be supplied by newspaper)

The State Water Control Board has under consideration the reissuance of the following Permit and State Certificate:

Permit No.:	VA0088668
Name of Permittee:	City of Portsmouth
Facility Name:	Portsmouth Municipal Separate Storm Sewer System
Permittee Address:	810 Crawford Street, Portsmouth, VA 23704-3822
Flow:	Rainfall Dependent
Receiving Stream:	Discharges from the City of Portsmouth's municipal separate storm sewer system enter the water of the Elizabeth River, James River, Western Branch (Churchland and Southside), Southern Branch, Baines Creek, Carney Creek, Craney Island Creek, Hofflers Creek, Paradise Creek, Scotts Creek, Sterns Creek, Tarts Creek, Lake Collins, Lake Cavalier, Lake Kingman, Lake Armistead, Lake Jean, Green Lake, Lake Sweetbriar, Horseshoe Lake, Lake Willis and Lake Pam. Individual outfalls from the storm sewer system may discharge to tributaries of these water bodies.

Basin:	James River (Lower)				
Subbasin:	NA				
Section:	1	1b	1c	1d	1E
Class:	II	II	III	II	III
Special Standards	a, NEW-19	a, NEW-19	NEW-19	A, new-19	NEW-19

Discharge: Existing Industrial Discharge resulting from surface water runoff from the City of Portsmouth.

The provisions of this permit require that pollutants discharged from the MS4 are reduced to the maximum extent practicable. The City of Portsmouth is responsible for identifying pollutant sources and activities throughout the municipal area and developing and implementing a comprehensive storm water management program to control pollutants discharged to, and ultimately from, their storm sewer system.

The storm water management program is an enforceable part of the permit and includes components to address storm water management through education and outreach programs; pollutant reduction from commercial, residential and construction areas; detection and removal of unauthorized non-storm water discharges; review, control and inspection of industrial and waste treatment or disposal facilities; and operation and maintenance of facilities as necessary. Additional provisions of the permit require that adequate and appropriate legal

authorities and financial assurances be developed and maintained by the City to administer the storm water management program and that the City continue to assess the extent of their storm sewer system including outfalls, drainage areas and pollutant load characterization.

In support of the City's storm water management program, the permit requires that appropriate tracking and reporting activities are undertaken to assess the progress and results of the local programs. The City has proposed a new tracking program for a series of indicators that are designed as measures of Storm Water Management Program Effectiveness and that are tailored to the regional goals. The indicators shall be aligned with four indicator groups that represent traditional practices. Indicator tools within each group shall be used to measure different components of the storm water program. Various tracking efforts will continue targeting specific land use areas and components of the storm water management program. These efforts include tracking, inspections, maintenance, enforcement and program implementation components. In accordance with 40 CFR Part 122.42(c), the City will develop and submit reports regarding the status of their storm water management program elements and results of the tracking program. These reports shall be submitted on an annual basis.

Compliance with the tracking requirements, special conditions and storm water management program will be evaluated on the basis of program progress and results over the reporting periods throughout the life of the permit. As appropriate, DEQ may specify additional requirements or compliance schedules for any and all components of the storm water management program in order to achieve the level of implementation and progress deemed necessary by DEQ to achieve water quality protection and meet the intent of the municipal permitting program.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the permit subject to certain conditions. This permit will maintain the Water Quality Standards adopted by the Board.

Persons may comment in writing or by e-mail to the DEQ on the proposed reissuance of the permit within 30 days from the date of the first notice. Address comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received at the addresses provided before the end of the comment period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requester's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Debra Thompson at:

Virginia Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462
Telephone No. 757-518-2000
Email: dlthompson@deq.state.va.us

Following the comment period, the Board will make a determination regarding the proposed action. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.